

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

N5ZX AVIATION, INC.)
v.) No. 3-11-0674
OWEN C. BELL; and CHRIS BELL)

O R D E R

By contemporaneously entered order, the Court has approved and entered the parties' proposed initial case management order, with modifications addressed at the initial case management conference held on August 29, 2011. Those modifications and other matters addressed on August 29, 2011, are as follows:

1. The Clerk is directed to UNSEAL Docket Entry No. 11.
2. If they have not already done so, the parties shall have until September 28, 2011, to file corporate disclosure statements, in accord with Local Rule 7.02.
3. Counsel represented that there will be no discovery of electronically stored information. Therefore, they are exempted from the provisions of Administrative Order No. 174, entitled "Default Standard for Discovery of Electronically Stored Information ('E-Discovery')," entered July 9, 2007.
4. The trial, pretrial conference, and a deadline for notifying the Court if the case has settled will be set forth by separately entered order.
5. Any rebuttal expert disclosures shall be served by April 30, 2012.
6. Any discovery motion shall be filed by July 9, 2012. Alternatively, by July 9, 2012, the parties shall schedule a telephone conference call with the Court to address any discovery disputes.
7. By February 29, 2012, the parties shall file a joint mediation report, indicating whether the parties have participated in mediation and the outcome of any such mediation, and, if the case was not resolved, whether the potential for early settlement remains.

8. If the parties do not participate in successful mediation prior to February 29, 2012, they shall participate in mediation no later than October 15, 2012, and shall file a joint mediation report by October 19, 2012, advising when the mediation was conducted, the outcome of the mediation and, if the parties were not able to reach a settlement, whether the potential for settlement remains.

As provided in the contemporaneously entered order, any dispositive motion shall be filed by August 17, 2012. Any response shall be filed within 21 days of the filing of the motion or by September 7, 2012, if the motion is filed on August 17, 2012. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by September 21, 2012, if the response is filed on September 7, 2012.

No other filings in support of or in opposition to any dispositive motion shall be made except with the express permission of the Honorable Todd J. Campbell, Chief Judge.

There shall be no stay of discovery before the June 29, 2012, deadline for completion of fact and expert discovery even if a dispositive motion is filed prior thereto.

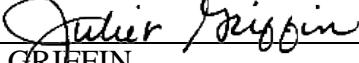
No party may file more than one Rule 12 motion to dismiss or more than one Rule 56 motion for summary judgment unless otherwise ordered by Chief Judge Campbell.

As provided in the contemporaneously entered order, the plaintiff shall file an amended complaint by August 31, 2011, and the defendants shall have until September 19, 2011, to file a response to the amended complaint. If the defendants file a motion to dismiss, the plaintiff shall have 21 days to file a response or until October 11, 2011, to file a response to the motion.¹ Any reply, if necessary, shall be filed within 14 days of the filing of the response or by October 25, 2011, if the response is filed on October 11, 2011.

¹ Although 21 days from September 19, 2011, is October 10, 2011, October 10, 2011 is federal holiday so the time to file a response has been extended to October 11, 2011, in the event that the motion is filed on September 19, 2011.

Based on the above schedule and plaintiff's scheduling conflict in January of 2013, it is recommended that this case be scheduled for a jury trial no earlier than February 12, 2013. The parties estimate that the trial will last three (3) days.

It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge